

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CONSOLIDATION COAL COMPANY,)

Plaintiff,)

v.)

**UNITED STATES DEPARTMENT
OF THE INTERIOR, NATIONAL
PARK SERVICE,**)

and)

**CAROL D. SCHULL, individually and
in her capacity as Keeper of the National
Register of Historic Places,**)

and)

ROY and DIANE BRENDEL,)

Defendants.)

**ROY BRENDEL and DIANE
BRENDL,**)

Third Party Plaintiffs,)

v.)

**CONSOLIDATION COAL COMPANY,
NORTHERN WEST VIRGINIA
REGION, a Delaware corporation
with a principal place of business in
West Virginia,**)

and)

**DARREL D. AUCH, individually and
in his official capacity as Senior Vice
President for Mining, Consolidation
Coal Company, Northern West Virginia
Region, Morgantown, West Virginia,**)

and)

**SHEIRL FLETCHER, individually and
in his official capacity as Certified
Professional Geologist, Consolidation
Coal Company, Northern West Virginia
Region, Morgantown, West Virginia,**)

and)

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CONSOL ENERGY, a Delaware Corporation,)
)
and)
)
THOMAS F. HOFFMAN, individually)
and in his official capacity as Vice)
President, Investor and Public Relations,)
CONSOL Energy,)
)
and)
)
UNITED STATES DEPARTMENT)
OF THE INTERIOR, OFFICE OF)
SURFACE MINING RECLAMATION)
AND ENFORCEMENT,)
)
and)
)
PENNSYLVANIA DEPARTMENT)
OF ENVIRONMENTAL)
PROTECTION,)
)
Third Party Defendants.)

ORDER OF COURT

AND NOW, this 6th day of April, 2006, upon due consideration of plaintiff's motion to compel (Doc. No. 111) and defendants' submissions in response thereto, IT IS ORDERED that the motion be, and the same hereby is, DENIED. The issues for proper discovery pursuant to plaintiff's amended complaint have not been formally joined, and no authorization to engage in discovery prior to the completion of the pleading stage has been obtained from the court.



David Stewart Cercone
United States District Judge

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